



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/824,663

04/14/2004

Vijay K. Bhagavath

1999-0494Con

7530

83224 7590 07/31/2009
AT & T LEGAL DEPARTMENT - NDQ
ATTN: PATENT DOCKETING
ONE AT & T WAY, ROOM 2A-207
BEDMINSTER, NJ 07921

EXAMINER

RABOVIANSKI, JIVKA A

ART UNIT

PAPER NUMBER

2426

MAIL DATE

DELIVERY MODE

07/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,663	Applicant(s) BHAGAVATH ET AL.	
	Examiner JIVKA RABOVIANSKI	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32 – 63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 – 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/14/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/26/2009 has been entered.

Status of Claims

2. Claims 32 – 63 are pending
Claims 1 – 31 are cancelled.
Claims 32 - 59 have been amended.

Response to Amendment

3. The Declaration filed on 05/26/2009 under 37 CFR 1.131 has been considered but is ineffective to overcome the Rui's reference dated September 13, 1999.

First, Applicant provides a Declaration under 37 CFR 1.131 for application 11/195923 which is not a subject of discussion in application 10824663 see information provide on the top left corner.

Second, the format of the declaration is not proper because the declaration must have a statement started with "I declare ..."

Third, the facts provided to show the conception of the invention prior to the effective date of the reference is insufficient because there is no due diligence from prior to the effective date of the reference.

Forth, Exhibit A (pg. 3 – 6) and Exhibit B (pg. 7 – 9), do not show all limitations presented in the independent claims.

Fifth, the statements of facts format does not correspond to USPTO requirements including a statement "I declare ..."

Sixth, the statements of facts provide electronic documents dated February 23, 2009 and August 26, 2003 which dates do not help to antedate the discloses prior art date.

Seventh, the statements of facts provide electronic documents that do not create facts that shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference.

MPEP paragraphs: 715 – 715.10; 2138 – 2138.06.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim **32** in the instant application **10824663** corresponds to claim 9 in Patent US 6829781 B1. Limitations of the instant application equate to limitations in Patent **US 6829781 B1** such as: “dividing a received program into program segments” equates to “dividing programs into program segments each identified by index marks”; “summarizing and storing each

program segment into a corresponding summary segment: wherein each summary segment includes audio, full-motion video, and at least one still picture” equates to “summarizing each program segment into corresponding summary segments identified by similar index marks”; “generating metadata files for delimiting a beginning and an end of summary segments and program segments” equates to “selecting a link function during that summary segment whereby control passes to a beginning of a corresponding program segment”; upon a request from a user from a client device” equates to “supplying the summary segments in lieu of program segments on demand of the recipient”; “the summary segments being streamed in a first channel to the client device and the program segments being streamed in a second channel to the client device” equates to “supplying the summary segments” in Patent US 6829781 B1.

Claim **9** in the patent **6829781** recites the additional limitation “passing control at a completion of the corresponding program segment to a beginning of a next summary segment”. It would have been obvious to broaden claim 9 of patent application to get claim **32** in the instant application.

Claim **32** in the instant application corresponds to claim 10 in Patent US 6829781 B1. Limitations of the instant application **10824663** equate to limitations in Patent US 6829781 B1 – see analyses above.

Claim **50** in the instant application corresponds to claim 1 in Patent US 6829781 B1. Limitations of the instant application **10824663** equates to limitations in Patent US 6829781 B1 such as: “dividing the programming into program segments using program index markers” equates to “dividing programs into program segments each identified by index marks”; “generating summary segments of parts of the program segments and generating summary index markers corresponding to the programming index markers” equates to “summarizing each program segment into corresponding summary segments identified by similar index marks” “links between the program segments and the summary segments, wherein the metadata files are used to deliver summary segments to the recipient” equates to “hyperlink the summary segments by linking a recipient to the storage medium, wherein the accessing via the two-way video hyperlink further includes a viewer viewing a program segment and selecting a link function during the program segment whereby control passes to a beginning of a corresponding summary segment”; “segments being

streamed...” equates to “supplying the summary segments in lieu of program segments”.

Claim **1** in the patent **6829781** recites the additional limitation “transmitting a selected summary segment and associated metadata to the recipient via summary channel”. It would have been obvious to broaden claim 1 of patent application to get claim **50** in the instant application.

Claim **37** in the instant application **10824663** corresponds to claim 7 in Patent **US 6829781 B1**. The limitation in claim 37 “accessing by linking via use of a one-way video hyperlink” equates to claim 7 **US 6829781 B1** “activating a link utilizes a one-way link”.

It would have been obvious to modify claim 37 to have the same limitation as claim 7 in the patent 6829781.

Claim **38** in the instant application **10824663** corresponds to claim 8 in Patent **US 6829781 B1**. The limitation in claim 38 “accessing by linking via use of a two-way video hyperlink.” equates to claim 8 **US 6829781 B1** “activating a link utilizes a two-way link”.

It would have been obvious to modify claim 38 to have the same limitation as claim 8 in the patent 6829781.

Claim **56** in the instant application **10824663** corresponds to claim 6 in Patent **US 6829781 B1**. The limitation in claim 56 “constructing the metadata file in XML language to define the message.” equates to claim 6 **US 6829781 B1** “constructing the metadata file in XML language to define the message”.

Claim **55** in the instant application **10824663** corresponds to claim 5 in Patent **US 6829781 B1**. The limitation in claim 55 “including in the step of generating summary segments a step of dynamically generating summaries of live programming in real-time by dynamic editing software.” equates to claim 5 **US 6829781 B1** “including in the step of generating summary segments a step of dynamically generating summaries of live programming in real-time by dynamic editing software”.

Claim **54** in the instant application **10824663** corresponds to claim 4 in Patent **US 6829781 B1**. The limitation in claim 54 “activating a link connection by a single physical command..” equates to claim 4 **US 6829781 B1** “activating a link connection by a single physical command”.

Claim **53** in the instant application **10824663** corresponds to claim 3 in Patent **US 6829781 B1**. The limitation in claim 53 “including user data with each group of pictures corresponding to program segments.” equates

to claim 3 **US 6829781 B1** “including user data with each group of pictures corresponding to program segments”.

Claim **52** in the instant application **10824663** corresponds to claim 2 in Patent **US 6829781 B1**. The limitation in claim 52 “including the metadata file within a data stream included in a program stream according to MPEG-2 standards.” equates to claim 2 **US 6829781 B1** “including the metadata file within a data stream included in a program stream according to MPEG-2 standards”.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-37, 39, 40 - 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan; M. Ibrahim US 6236395 B1, and further in view of Rui, Yong US 20050160457 A1.

Regarding claim 32:

A method of providing summaries of programming to a recipient, the method comprising, at a network node (Sezan discloses a method of providing summaries of audio/video programming to a recipient. A streaming programming signal was provide from a program source (see Fig. 2/ item 38) which may originate at a streaming programming signal – see include, but not limited to col. 7 lines 56 -59):

dividing a received program into program segments (short video segments that provide an indication of the content of the respective actual program that it corresponds with col. 14 lines 7 – 9);

summarizing and storing each program segment into a corresponding summary segment, wherein each summary segment includes audio, full-motion video, and at least one still picture (the analysis module can create a key-frame summary by identifying key-frames of a multi-level summary and passing the information to be used to generate the program views where the program description scheme – generation module may be readily available from many services such as from broadcast, Digital Video Broadcast-Service Information, from specialized data services from specialized web sites, from the media storage unit containing the audiovisual content col. 12 lines 17-25; browsing module implements the

description scheme technique by parsing and extracting information contained within the description scheme – on the server. The browsing module may perform filtering, searching, and browsing of the programs – summaries that contains video, audio and still images) on the basis of the information contained in the description schemes – col. 9 lines 9 - 14, Fig. 2);

generating metadata files for delimiting a beginning and an end of summary segments and program segments (generating metadata (indexing) the stored programs or sectors of them with marking beginning and ending – see include, but not limited to –col. 7 lines 19 -21; col. 10 lines 6 – 7; col. 15 lines 46 – 52;col. 28 lines 13- 16; Fig. 20); and

upon a request from a user from a client device, supplying the summary segments in lieu of program segments on demand of the recipient, the summary segments being streamed in a first channel to the client device and the program segments being streamed in a second channel to the client device (Fig. 2/48). Sezan discloses that the summary can be generated on the server or on the web site see rejection above, but does not specifically disclose streaming summary to the client receiver. However, Rui discloses that various "pre-generated" summaries may be

generated and maintained by remote servers and pre-generating summaries, if a user requests a 15-minute summary, then the pre-generated indications simply need to be accessed and received separated from the main program [0097], [0030].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan with the teaching of a server for streaming video summaries as further taught in Rui to meet all limitation in claim 1, in order to satisfy the customers' needs.

Regarding claim 33, Sezan teaches:

The method of claim 32, further comprising generating indexing information for facilitating links between the programming segments and the summary segments (establishing links between description and data—see include but not limited to - Figs. 1 and 20, col. 4 lines 37 – 39; col. 28 lines 7 – 9;

Regarding claim 34, Sezan teaches:

The method of claim 32, wherein the program is received via a broadband wired access link (see include, but not limited to Fig. 2/ items 38 and 42; the link includes cable television – broadband wired link and Internet broadcasts, which may be sent via broadband link; col. 7 lines 56 -

59; col. 8 lines 8 – 10 – The system 16 may include any device(s) suitable to receive any one or more of such programs).

Regarding claim 35, Sezan teaches:

The method of claim 32, wherein the program is received according to the MPEG-2 standard. The delivered programs may originate at any suitable source, such as for example broadcast television, cable television, satellite television col. 7 lines 50 – 59; digital television audiovisual information presented to a particular user including movies, cable, and broadcast satellite which format is MPEG – 2 – col. 3 lines 16 – 22).

Regarding claim 36, Sezan teaches:

The method of claim 32, further comprising: accessing the summary segments by setting timing marks in the program to define summaries (the step of accessing the summary segments by indexing and key-frames as described above in claim 32, as well as, providing time stamps (see col. 4, lines 40 - 67 – the program views may contain a set of fields that contain data for the identification of key frames, segment definitions between shots, highlight definitions, video summary definitions, different lengths of highlights).

Regarding claims 37 and 39, Sezan teaches:

The method of claim 32, further comprising activating a link is by a single step action (by using a remote control, and clicking on the summary with a single step the user can activate the link – Fig. 10).

Regarding claim 40, Sezan teaches:

The method of claim 39, wherein activating a link is performed by a single step action that is a step of pushing a button on a remote controller (The remote controller is disclosed in the reference, where selecting a link on an interface display is inherent to the features of a remote control in audiovisual system (see col. 11 line, 36 – “The remote may likewise control audio systems”).

Regarding claim 41, Sezan teaches:

The method of claim 32, wherein accessing the summary segments includes setting position marks in the program to define summaries (it is defined by primarily by time stamps, as well as, key frames and indexing – as describe above in claim 36).

Regarding claim 42, Sezan teaches:

The method of claim 32, wherein storing the summary segments uses a storage medium located at a user location (Fig. 2/ item 50 – data storage unit).

Regarding claim 43, Sezan teaches:

The method of claim 32, wherein storing the summary segments uses a storage medium integrated with a delivery network (Fig. 2/ item 50 data storage unit, which received programs 38 through 42 and 44, and sends summary segments to display 80 and/or GUI 82 through the search, filtering and browsing module 52).

Claims 50 – 57, 59 - 63 are rejected under 35 U.S.C. 103(a) as being anticipated by Rui, Yong (Rui hereinafter) US 20050160457 A1, and further in view of Sezan M. Ibrahim (US Patent 6236395 B1, referred to as Sezan).

Regarding claims 50 and 59, Rui discloses:

A method of facilitating selection and delivery of summaries of programming provided to recipients, the method comprising, at a network node:

dividing the programming into program segments using program index markers (the meta data can be generated in any of a variety of manners; Meta data is associated with a program. In this particular reference the meta data is described as being "excited segment probabilities" – see include, but not limited to – [0041]);

generating metadata files associated with a summary channel for delimiting a beginning and an end of summary and the program segments in the summary channel and program channel and including indexing information for facilitating links between the program segments and the summary segments, wherein the metadata files are used to deliver summary segments to the recipient, the summary segments being streamed in a first channel to the client device and the program segment being streamed in a second channel to the client device (various "pre-generated" summaries may be generated and maintained by remote servers and pre-generating summaries, if a user requests a 15-minute summary, then the pre-generated indications simply need to be accessed and received separated from the main program [0097], [0030; the meta data can be associated with a program and the meta data 224 can be generated in any of a variety of manners – see include, but not limited to [0041], [0042]; the indication of the segments that correspond to starting time – see include, but not limited to – [0095] and Fig. 3).

generating summary segments of parts of the program segments and generating summary index markers corresponding to the programming index markers, wherein each summary segment includes audio, full-motion

video, and at least one still picture; Rui discloses that the summaries are part of the full program moving pictures, but does not specifically disclose that the summary can include still picture. However, Sezan discloses that (the analysis module can create a key-frame summary by identifying key-frames of a multi-level summary and passing the information to be used to generate the program views where the program description scheme – generation module may be readily available from many services such as from broadcast, Digital Video Broadcast-Service Information, from specialized data services from specialized web sites, from the media storage unit containing the audiovisual content col. 12 lines 17-25; browsing module implements the description scheme technique by parsing and extracting information contained within the description scheme – on the server. The browsing module may perform filtering, searching, and browsing of the programs – summaries that contains video, audio and still images) on the basis of the information contained in the description schemes – col. 9 lines 9 - 14, Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rui with the teaching of a

the summary can include still picture as further taught in Sezan to meet all limitation in claim 50, in order to facilitate all customers' needs.

Regarding claim 51, Rui discloses:

The method of claim 50, further comprising:

selecting a summary segment by activating a link between the programming segment and the summary segment by utilizing a metadata file included with the summary channel (the system create a summary of the program based on summary parameters; by a request an user can receive pre-generated summary- see include, but not limited to – [0097], [0100], Fig. 7); and

transmitting the selected summary segment and associated metadata to the recipient via the summary channel ([0096] lines 1 - 4 - Once the probabilities that segments are exciting are identified, the user can choose to view a summary or highlights of the program. Which segments are to be delivered as the summary can be determined locally (e.g., on the user's client computer) or alternatively remotely (e.g., on a remote server”).

Regarding claim 52, Rui discloses:

The method of claim 50, further comprising including the metadata file within a data stream included in a program stream according to MPEG-

2 standards (digital formats over the airwaves, different types of cable and satellite systems - digital transmission formats carrying digital video and audio in MPEG format [0021], [0022]; The data can be made available by providers in any of a wide variety of formats. [0038])

Regarding claim 53, Rui discloses:

The method of claim 50, further comprising including user data with each group of pictures corresponding to program segments (the user receives a summary with its parameter where the summaries are group of pictures - see [0099] , [0100] “the user request for a summary is received along with parameters for the summary”.

Regarding claim 54, Rui discloses:

The method of claim 50, further comprising activating a link connection by a single physical command (A user may enter commands and information into computer 142 through input devices such as keyboard and other input devices to select a link established between set top box (computer 142) and 188 – see include, but not limited to – [0029], [0031], Fig. 2).

Regarding claim 55, Rui discloses:

The method of claim 50, further comprising including in the step of generating summary segments a step of dynamically generating summaries of live programming in real - time by dynamic editing software - generating summary including all steps in Fig. 7 (see 0098] lines 3 – 4 may – “may be implemented in software, and may be carried out by a receiver 106 of FIG. 1 or alternatively a programming source of FIG. 1 (e.g., Internet provider 120; if a user requests a 15-minute summary, then the pre-generated indications simply need to be accessed rather than determining, at the time of request – real time delivery [0097]).

Regarding claim 56:

Regarding claim 10, Rui does not disclose language is used for constructing metadata file. However Sezan discloses (see col. 14 lines, 1 – 3 - An example of the description schemes is shown below in XML. The description scheme may be implemented in any language and include any of the included descriptions (or more), as desired).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rui with the teaching of metadata file in XML language as further taught in Sezan to meet all

limitation claim 56, in order to facilitate the sharing of structured data across different information systems.

Regarding claim 57, Rui discloses:

The method of claim 50, whereby the step of:
selecting by activating a link utilizes a one-way link- (computer Fig.2/142 executes an Internet Web browser program (which may optionally be integrated into the operating system 170)- [0030] – pre-generated summary – one-way link –[0097].

Regarding claim 58, Rui discloses:

The method of claim 50, wherein selecting by activating a link utilizes a two-way link – using two- way computer communications – see Fig.2/computers 142 and 188- [0030]) .

Regarding claim 57, see rejection of claim 37.

Regarding claims 60 and 61,

Rui discloses: storage located to the public network and located in a STB. This storage is located on (see Fig. 106/160, 164 - computer 142; and [0027] lines 2 – 3 – “computer that can perform the functions of receiver 106 of FIG. 1, or of one of the programming sources of FIG. 1”).

Regarding claim 62, Rui discloses:

The delivery system of claim 59, further comprising: means for interacting with the user that enables the user to select summaries, including a screen displaying permitting user entry of controls Rui discloses an interactive control for summary selection (see Fig. 2 / 165, 178 through 192 and 188; and [0096] lines 1-4 –“the user can choose to view a summary or highlights of the program. Which segments are to be delivered as the summary can be determined locally (e.g., on the user's client computer) or alternatively remotely (e.g., on a remote server).”).

Regarding claim 63, Rui discloses:

The delivery system of claim 59, further comprising:
a two-way link control allowing a user to control summary segment and program segment selection while starting from a program segment and summary segment respectively Rui discloses two-way interaction (see [0099] lines 4 – 5 – “a user may indicate as the summary parameters that he or she wants to be presented with any segments” and based on these parameters the portions of program rendered for a user (see [0095] lines 1-7 – “The actual portions of the program rendered for a user as the summary of the program are based on these exciting segments 288”).

Claims 38, 44 – 49 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan and Rui, and further in view of Seidman David Israel (US Patent 6298482 B1, referred to as Seidman).

Regarding claim 38, 44-45, and 58:

The method of claim 37, wherein accessing by linking by use of a two- way hyperlink includes a viewer viewing a summary segment and selecting a link function during that summary segment whereby control passes to a beginning of a corresponding program segment; Sezan does not disclose using selecting a link function in purpose of summary segment control during. However, *Seidman* discloses the embedded data (summary or program -data) is offered to the viewer by display of a "hyperlink". The head end can dynamically modify both the content of the stream and the control information associating objects in the stream, in response to user interest. The control information must be modified as well, to establish the association of the new embedded data with the previously marked objects in the video. If viewers show an interest in summary information when selecting the embedded data associated with a program, this information could be displayed immediately on screen when a player is selected – col. 8 lines 60-67; col. 9 lines 1-19. col. 9 lines 40 – 55; Fig. 9 and

passing control at a completion of the corresponding program segment to a beginning of a next summary segment (see Figs. 8a, 8b, 8c and 9 – the user can control the different segments and when one of the segments is completed to select the next segment).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan and Rui with the teaching of an a hyperlink includes a viewer viewing a summary or program segment and selecting a link function as further taught in Seidman to meet all limitation in claims 44 and 45, in order to facilitate viewers to access easily to the linked information.

Regarding claims 46 - 47,

Sezan does not disclose the use of interrupts. The Seidman discloses the use of interrupts (see col. 11 lines 9 -11 – “When this queue is found to be non-empty, its contents are read by the microprocessor”). Seidman discloses that program segments may be viewed that are already in progress from the point of entry or the content or the segment is stored prior to viewing and viewing the segment from the start is performed when the user is ready (see col. 9 lines 47 – 67 – “the user selects a set of program segments, which may or may not overlap in the time of their

broadcast for display. If there is display overlap, storage may be required, as described above” and col. 10 lines 1 – 19 –“the program segment selection may be done for the user automatically, by the STB. Using the selection history summary information, the STB can select among the available program segments, provided they are associated with keywords identifying their topic areas (to enable the STB to choose among them”). Seidman and Sezan do not disclose an interrupt command delivered over an interrupt channel I and recovering a summary of missed programming due to the interruption in delivery in response to a resume command supplied over the I channel. However, the examiner takes Official Notice that it is notoriously well known in the art of program interrupts to provide a resume command over the interrupt channel for the advantage of recovering the missed programming. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have included a resume command supplied over the interrupt channel for the reason given above.

Regarding claim 48:

Sezan does not disclose using a remote for providing interrupted program, but Seidman discloses that the user may interact with a control

for providing a missed/interrupted program by means of a screen display responsive to a remote (see col. 10, lines 12 -19 and col. 6, lines 52 – col. 12, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan and Rui with the teaching of an user can control information as further taught in Seidman to meet all limitation in claim 48, in order to provide the needed information by using user control device.

Regarding claim 49:

The method of claim 32, further comprising providing programming control, via a program channel P, including a screen display responsive to an interactive control of the user. Sezan does not specifically disclose providing programming control of the user. Seidman teaches providing programming control including a screen display responsive to an interactive control of the user as described in col. 6 lines 30 -32, col. 9, lines 57 – 64 and col. 11, lines 52 – col. 12, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan and Rui with the teaching of providing programming control, via a program channel P as

further taught in Seidman to meet all limitation in claim 48, in order to facilitate users in their communication with the devices.

Examination Considerations

7. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d, 1393, 1404-05, 162 USPQ 541,550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

8. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are

entirely consistent with the intent and spirit of compact prosecution.

However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

9. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

10. Examiner's Opinion: paragraphs 7 - 9 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Contact

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jivka Rabovianski whose telephone number is (571) 270-1845. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HIRL can be reached on (571) 272-3685. Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jivka Rabovianski/

July 29, 2009

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
July 30, 2009